

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LISA JONES,

Plaintiff,

vs.

SUTTELL & HAMMER, P.S.,

Defendant.

No. 2:10-cv-816 RSM

ANSWER TO COMPLAINT

Defendant Suttell & Hammer, P.S., answers the Plaintiff's Complaint by admitting, denying, and alleging as follows:

ANSWER

I. NATURE OF ACTION

1. Answering Paragraph 1 of the Plaintiff's Complaint, Defendant denies each and every allegation made by the Plaintiff.

II. JURISDICTION

2. Answering Paragraph 2 of plaintiff's complaint, Defendant admits jurisdiction is proper.

1 **III. PARTIES**

2 3. Defendant is without knowledge or information sufficient to form a belief as to
3 the truth of the matter alleged in this paragraph and on that basis denies each and every
4 allegation set forth in the paragraph.

5 4. Paragraph 4 of Plaintiff's Complaint contains legal conclusions to which no
6 answer is required. To the extent any answer is required, Defendant admits.

7 5. Answering Paragraph 5 of the Plaintiff's Complaint, Defendant admits Suttell
8 & Hammer, P.S. engaged in the use of mail to collect a debt from the plaintiff. Defendant
9 denies the remaining allegations of Paragraph 5.

10 6. Paragraph 6 of Plaintiff's Complaint contains legal conclusions to which no
11 answer is required. To the extent any answer is required, Defendant admits it has at times in
12 the past acted as a debt collector. Defendant denies all remaining allegations in said
13 paragraph.

14 **IV. FACTUAL ALLEGATIONS**

15 7. Defendant admits contacting Plaintiff. Defendant admits serving Plaintiff with
16 a Complaint. Defendant denies all remaining allegations of said paragraph and each
17 subparagraph, 7(a) and 7(b).

18 8. Answering Paragraph 8 of Plaintiff's Complaint, Defendant denies each and
19 every allegation made therein.

20 9. Answering Paragraph 9 of Plaintiff's Complaint, Defendant re-asserts each and
21 every admission, denial and objection as set forth above.

1 10. Answering Paragraph 10 of Plaintiff's Complaint, Defendant re-asserts each
2 and every admission, denial and objection as set forth above.

3 **V. AFFIRMATIVE AND SPECIAL DEFENSES**

4 To further answer Plaintiff's Complaint, Defendant Suttell & Hammer, P.S., states and
5 alleges as follows:

6 1. The Complaint and each purported cause of action therein fails to state facts
7 sufficient to constitute a cause of action against Defendant.

8 2. Some or all of Plaintiff's claims may be barred by the applicable statute of
9 limitations.

10 3. Plaintiff expressly and through her conduct may have waived her right to
11 complain of the conduct alleged in the Complaint, and is estopped to do so by reason of
12 Defendant's reliance on such waiver.

13 4. Plaintiff's Complaint and each cause of action therein is barred by the Doctrine
14 of Laches, and that Plaintiff unreasonably delayed bringing this action, and such delay causes
15 prejudice to the Defendant.

16 5. Plaintiff's alleged injuries and/or damages, if any there were, were either
17 wholly or partially negligently or otherwise wrongfully caused by persons, firms, corporations
18 or entities other than this Defendant and said negligence and wrongful conduct reduces
19 Defendant's percentage of liability, if any, for the damages, if any, suffered by Plaintiff.

20 6. Plaintiff did not exercise ordinary care, caution and prudence in connection
21 with the transactions and events that are alleged in the Complaint. Plaintiff's lack of care,
22 caution and prudence were independent of and unrelated to the actions, if any, of defendant,
23

1 and proximately caused some or all the damages, if any, suffered by the plaintiff. Plaintiff's
2 recovery, if any, should be proportionally reduced.

3 7. Plaintiff has failed to mitigate her damages.

4 8. Any improper actions which may have been taken by the Defendant were as a
5 result of bona fide error.

6 9. Plaintiff has unclean hands.

7 10. Plaintiff's action is barred by the Doctrine of Res Judicata and Collateral
8 Estoppel.

9 **VI. OTHER AFFIRMATIVE DEFENSES**

10 Defendant has insufficient knowledge or information upon which to form a belief as to
11 whether it may have additional, as yet unstated, affirmative defenses available. Defendant
12 expressly reserves the right to assert additional affirmative defenses in the event that
13 discovery indicates that such defenses are appropriate.

14 **VII. PRAYER FOR RELIEF**

15 Wherefore, Defendant Suttell & Hammer, P.S. prays for relief as follows:

16 1. That Plaintiff take nothing by reason of her Complaint on file herein;

17 2. For reasonable attorney's fees as provided by law, in an amount to be
18 determined by the court.


19 3. For the cost of suit incurred herein;

20 4. For cost of suit and attorney's fees awardable under 15 USC 1692K(a)(3); and

21 5. For such other and further relief as the court may deem just and proper.
22
23

1 DATED this 19th day of July, 2010.

2 FORSBERG & UMLAUF, P.S.

3 By: 
4 John F. Jenkel, WSBA #16085
5 Jeffrey T. Kestle, WSBA #29648
6 Attorneys for Defendant Suttell & Hammer,
7 P.S.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

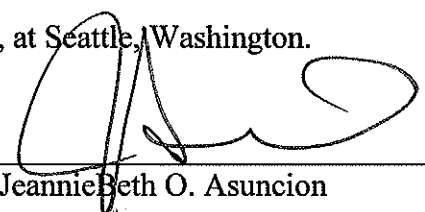
CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing ANSWER TO COMPLAINT on the following individuals in the manner indicated:

Jon N. Robbins, Esq.
Weisberg & Meyers, LLC
3877 N. Deer Lake Rd.
Loon Lake, WA 99148
Facsimile: 866-565-1327
☐ Via U.S. Mail
☐ Via Facsimile
☐ Via Hand Delivery
☒ Via ECF

SIGNED this 10th day of July, 2010, at Seattle, Washington.


Jeannie Beth O. Asuncion